IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 18784 of 2003

Between:

1 K. Sreerama Murthy, s/o K.Narasimhulu,
r/o Kollivalasa, Srikakulam District.
2 G.V.Lalitha Kumari, d/o G.V.Rama Rao,
r/o Megadrigadda, Visakhapatnam District.
3 T. Sharada, d/o T.Subbayya,
r/o Megadrigadda, Visakhapatnam Dist.,
4 K. Pullayya, s/o K.Yesaiah,
r/o Golugonda, Visakhapatnam Dist.,
5 B. Vijayakumari, d/o B.sreerama Murthy,
r/o Palakonda, Srikakulam District.
6 D. Rama Rao, s/o D.Vallabhanarayana,
r/o Kollivalasa, Srikakulam District.
7 M. Ramesh Babu, s/o M.Veerayya,
r/o Kollivalasa, Srikakulam District.
8 K. Simhachalam, s/o K.Thammi Naidu,
r/o Nandigama, Srikakulam District.
9 P.Padmavathi, w/o Chinna Rao,
r/o Garugubilli, Vizianagaram District.
10 T. Sujatha, w/o Murali,
r/o Ramarapalli, Srikakulam District.
11 K. Madhavi Latha, d/o late Sri Venkata Ramakrishna,
r/o Nandigama, Srikakulam District.
12 T. Veeramani, d/o Sri T.Veeraswamy,
r/o Nandigama, Srikakulam District.
13 S. Lakshmana Rao, s/o late Sri Nelachalam,
r/o Kollivalasa, Srikakulam District.
14 G. Ramakrishna Naidu, s/o Sri Venku Naidu,

r/o Kopperla, Vizianagaram district.

15 K.Appala Naidu, s/o Sri K.Joginaidu,
r/o Kopperla, Vizianagaram District.

16 G. Surya Kumari, d/o G.Satyanarayana
r/o Nakkapalli, Visakhapatnam District.

17 M. Satyavathi, d/o Sri M.Bhanu Murthy,
r/o Nakkapalli, Visakhapatnam District.

18 S.V.A.S.Pradeep Kumar, s/o Sri Appala Naidu,
r/o Badangi, Vizianagaram District.

19 G.T.Shanti, d/o Sri Venkateswarulu,
r/o Parvateepuram, Vizianagaram District.

All the petitioners are working in their respective posts in the Schools and Junior Colleges run by APSWREI Society)

..... PETITIONERS.

AND

1. Govt., of Andhra Pradesh, rep., by its Prl.Secretary, Social Welfare Department, Secretariat, Hyderabad.

2 The A.P.Social Welfare Residential Educational Institutions Society (Regd.), Hyderabad, rep., by its Secretary.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing notification bearing No.R1/20591/2002 dated 30-6-2003 and the consequential proceedings of selection of candidates for recruitment of resident teachers (Trained Graduate Teacher), on regular basis without regularizing the services of the petitioners as illegal, arbitrary and unjust and consequently direct the respondents to drop all further proceedings pursuant to the said notification dated 30-6-2003

Counsel for the Petitioner:MR.N.SIVA REDDY

Counsel for the Respondent No.1: G.P. for Social Welfare.

Counsel for the Respondent No.2: Mr.M.Vijaya Bhaskar,Standing Counsel for A.P.R.E.I.S.

The Court made the following :

ORDER:

Both the counsel appearing for the petitioners as well as the respondents, submit that the controversial issue involved in this case is squarely governed by the Division Bench judgment of this Court in Writ Appeal No.350 of 2004, dated 23-02-2004. Admittedly, the petitioners have been working as teachers on contract basis for the last more than 8 years continuously and in the meanwhile the process to fill-up only 50% vacancies has commenced which gave rise to grievance of the teachers employed on contract basis on the ground of legitimate expectation of being regularized. Already an interim order was granted by this Court to continue the petitioners in service till their cases are regularized.

2. Learned counsel for the petitioners submits that in view of the said judgment of the Division Bench of this Court in Writ Appeal No.350 of 2004, petitioners are also entitled for the benefit of such directions and the writ petition may also be disposed of in terms of the said order.

3 . It is stated in the counter that proposals had already been submitted to the Government by the Respondent-Society through its letter dated 20-09-2002 for examining the possibility of regularization of services of the contract teachers and also a separate proposal was submitted to the Government subsequently through letter dated 13-08-2002 seeking permission to fill up certain regular vacancies on regular basis as well as seeking permission to regularize the services of the teachers, working on contract basis. The Government only directed to fill up only 50% vacancies on regular basis and the remaining vacancies on contract basis.

4. In view of the judgment of the Division Bench in the aforesaid writ appeal, the writ petition is accordingly disposed of directing the Government to consider the proposals submitted by the Society for regularization of the services of the contract teachers against the existing vacancies by suggesting a formula or scheme and such a decision may be taken within three months from the date of receipt of copy of this order and the same shall be communicated to the Society so as to avoid unnecessary hardship to teachers employed on contract basis. No order as to costs.

V.ESWARAIAH, J.

ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

20th July, 2004.

CHVN/MRR.

To

1. Prl.Secretary,

Social Welfare Department,Govt. of A.P. Secretariat, Hyderabad.

2. Two C.Cs. to the G.P.for Social Welfare, High Court Buildings (OUT)

3. The Secretary, The A.P.Social Welfare Residential Educational

Institutions Society (Regd.), Hyderabad.

4. Two C.D.copies.